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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,056	09/30/2003	Kojiro Kato	393032041300	8082
7590 David L. Fehrman Morrison & Foerster LLP 35th Floor 555 W. 5th Street Los Angeles, CA 90013			EXAMINER PAUL, DISLER	
			ART UNIT 2615	PAPER NUMBER
			MAIL DATE 06/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/677,056	<b>Applicant(s)</b> KATO, KOJIRO	
	<b>Examiner</b> Disler Paul	<b>Art Unit</b> 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/25/06</u> | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Response to Amendment*

The examiner has reviewed the applicant's amendment and has reviewed the amendment in view of other prior arts.

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,3-5,7-9,11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable by Silfvast ("US 6,728,382 B1") and Jiljenquist ("4,940,346").

Re claim 1, Silfvast discloses a mixing console apparatus ("fig.1-7") comprising: an input section that inputs a plurality of electric signals ("fig.1/(160,154); col.1 line 29-31; col.6 line 39-knobs serve as input"); a processing section that processes the inputted electric signals ("Fig.8/840;col.6 line 53-57;col.1 line 34-36; col.1 line 40-42-processors to receive each function signals"); an output section that outputs the processed electric signals ("fig.8/process signals(840,800) is stored/output in (830); col.1 line 39-41-processed signals is combined/mixed thus outputted"); and a plurality of operators being provided in correspondence to a plurality of circuit components contained in those of the input section, the processing section and the output section, and being assigned with various functions in correspondence to the respective circuit components, the plurality of operators being manually operable to act on the corresponding circuit components for controlling the electric signals ("fig.4/plurality of operators(354) with many functions (Ch,DYN,EQ) all adjust manually with various input at (352)"), said plurality of operators being divided into groups and subgroups ("see fig.4 (470,472)") and wherein the plurality of the operators are arranged to form at least one group operation section such that the operators having similar functions are grouped into the same group

Art Unit: 2615

operation section("fig.4/groups by functions(356,354,352-faders and volume each group); col.9 line 45-55; Fig.7/(710,354)"), and wherein the group operation section is divided into subgroups with markings such that operators belonging to one subgroup is distinguished from operators belonging to another subgroup by the respective markings("fig.4/operators/faders may then be subgroup as (470,472)").

While Silfvast disclose of the above, He fail to further teach of the group operation section is divided into subgroup with color marking and distinguishing the operator from the order by their respective color markings. However, Liljenquist discussed of an operating assembly wherein the group operation section is divided into subgroup with color marking and distinguishing the operator from the order by their respective color markings ("fig.1,5;col.5-6") for the purpose of providing operators that are easily visually discriminated. Thus, taking the combined teaching of Silfvast and Liljenquist as a whole, it would have been obvious for one of the ordinary skill in the art to modify Silfvast by incorporating the group operation section is divided into subgroup with color marking and distinguishing the operator from the order by their respective color markings for the purpose of providing operators that are easily visually discriminated.

Re claim 5 with the apparatus, has been analyzed and rejected with respect to claim 1 above.

Re claim 9, Silfvast discloses a mixing console apparatus ("fig.1-7") comprising: an input section that inputs a plurality of electric signals ("fig.1/(160,154); col.1 line 29-31; col.6 line 39-knobs serve as input"); a processing section that processes the inputted electric signals ("Fig.8/840;col.6 line 53-57;col.1 line 34-36; col.1 line 40-42-processors to receive each function signals"); an output section that outputs the processed electric signals ("fig.8/process signals(840,800) is stored/output in (830); col.1 line 39-41-processed signals is combined/mixed thus outputted"); and a plurality of operators being provided in correspondence to a plurality of circuit components contained in those of the input section, the processing section and the output section, and being assigned with various functions in correspondence to the respective circuit components, the operators being manually operable to act on the corresponding circuit components for controlling the electric signals ("fig.4/plurality of operators(354) with many functions (Ch,DYN,EQ) all adjust manually with various input at (352)"), and wherein the plurality of operators being divided into groups and subgroups ("see fig.4 (470,472)") wherein the plurality of the operators are grouped to from two or more of group operation section such that the operators having similar

Art Unit: 2615

functions are grouped into the same group operation

section("fig.4/groups by functions(356,354,352-faders and volume each group); col.9 line 45-55; Fig.7/(710,354)").

While Silfvast disclose of the above, He fail to further teach of the group operation section is divided into subgroup with color marking and distinguishing the operator from the order by their respective color markings. However, Liljenquist discussed of an operating assembly wherein the group operation section is divided into subgroup with color marking and distinguishing the operator from the order by their respective color markings ("fig.1,5;col.5-6") for the purpose of providing operators that are easily visually discriminated. Thus, taking the combined teaching of Silfvast and Liljenquist as a whole, it would have been obvious for one of the ordinary skill in the art to modify Silfvast by incorporating the group operation section is divided into subgroup with color marking and distinguishing the operator from the order by their respective color markings for the purpose of providing operators that are easily visually discriminated.

The combined teaching of Silfvast and Liljenquist as a whole, would have incorporate the further teach of the limitation wherein each group operation section is divided into a sequence of subgroups with markings such that operators belonging to one subgroup is distinguished from operators belonging to another subgroup by the

Art Unit: 2615

respective color markings ("Fig.4/for {(group 354-to identify functions) we have subgroups (CH,474) or subgroup(EQ,,)} we have the marking light col.2 line 58-59 to do differentiation."), and wherein the color markings have a predetermined order ("fig.6-marking have predetermine order"), such that the color markings are applied sequentially to the sequence of the subgroups in the same manner among the respective group operation sections according to the predetermined order ("Fig.4-in function groups of (354) the subgroup are arranged as (CH,DYN,Pan) accordingly").

Re claim 13, Silfvast discloses a mixing console apparatus ("fig.4-5") comprising: an input section that inputs a plurality of electric signals ("fig.1/(160,154); col.1 line 29-31; col.6 line 39-knobs serve as input"); a processing section that processes the inputted electric signals ("Fig.8/840;col.6 line 53-57;col.1 line 34-36; col.1 line 40-42-processors to receive each function signals"); an output section that outputs the processed electric signals ("fig.8/process signals(840,800) is stored/output in (830); col.1 line 39-41-processed signals is combined/mixed thus outputted"); and a plurality of operators being provided in correspondence to a plurality of circuit components of the processing section and being assigned with various functions in correspondence to the respective circuit components, the plurality of operators being manually operable to act on the corresponding circuit components for processing the electric



Art Unit: 2615

signals, said plurality of operators being divided into groups and subgroups ("see claim 1 above") and wherein the plurality of the operators are arranged to form a first group operation section and a second group operation section("fig.4/groups by functions(356,354,352-faders and volume each group); col.9 line 45-55; Fig.7/(710,354)"),

While Silfvast disclose of the above, He fail to further teach of the group operation section is divided into subgroup with color marking and distinguishing the operator from the order by their respective color markings. However, Liljenquist discussed of an operating assembly wherein the group operation section is divided into subgroup with color marking and distinguishing the operator from the order by their respective color markings ("fig.1,5;col.5-6") for the purpose of providing operators that are easily visually discriminated. Thus, taking the combined teaching of Silfvast and Liljenquist as a whole, it would have been obvious for one of the ordinary skill in the art to modify Silfvast by incorporating the group operation section is divided into subgroup with color marking and distinguishing the operator from the order by their respective color markings for the purpose of providing operators that are easily visually discriminated.

The combined teaching of Silfvast and Liljenquist as a whole, further teach of the wherein the subgroup of the first group operation section has the same marking as that of the corresponding subgroup of the

Art Unit: 2615

second group operation section("Fig.4/for {(group 354-to identify functions) we have subgroups (CH,474) or subgroup(EQ,,)} we have the marking light col.2 line 58-59 to do differentiation and each corresponding subgroup in each groups have similar marking and further see claim 9 rejections with Liljenquist").

While, Silfvast and Liljenquist as a whole, is silent about the bus system, Silfvast disclosed the an input section that inputs a plurality of electric signals ("fig.1/(160,154); col.1 line 29-31; col.6 line 39-knobs serve as input") and a processing section ("Fig.8/840;col.6 line 53-57;col.1 line 34-36; col.1 line 40-42-processors to receive each function signals") an output section that outputs the processed electric signals ("fig.8/process signals(840,800) is stored/output in (830); col.1 line 39-41-processed signals is combined/mixed thus outputted"), therefore it is inherent that there must exist such a bus system for connecting the input/output section through the processor.

The first group of operation is divided into subgroups with markings such that operators corresponding to circuit components disposed on an input side of the bus system are grouped into the first group operation section and operators corresponding to circuit component disposed on an output side of the bus system are grouped into the second group operation section("fig.4/groups by

Art Unit: 2615

functions(356,354,352-faders and volume each group); col.9 line 45-55;

Fig. 7/(710,354)").

Re claim 3, the mixing console apparatus according to claim 2, Silfvast fail to disclose the specific limitation of the different colors are allocated to different subgroups to distinguish from each other ("liljenquist,fig.1; col. 5/for each group in colum colors is used to differentiate from the others & col.3 line 1-15").

Re claim 4, the mixing console apparatus according to claim 3, Silfwast and Liljenquist as a whole, fail to disclose the different colors are allocated in the order determined by brightness thereof to the different subgroups. However, Official Notice is taken that allocating colors in the order of determined brightness in subgroups is common sense, therefore it would have been obvious for one in the ordinary skill in the art to allocating colors in the order of determined brightness in subgroups for enabling operators peripheral visual and pattern recognition.

Re claim 7, have been analyzed and rejected with respect to claim 3.

Re claim 8, have been analyzed and rejected with respect to claim 4 respectively

Art Unit: 2615

Re claim 11, the mixing console apparatus according to claim 10, Silfvast and Liljenquist as a whole, fail to disclose the colors are applied sequentially to the sequence of the subgroups in the same manner among the respective group operation sections according to the predetermined order which is predetermined according to brightness of the colors. However, official notice is taken the limitation of colors are applied sequentially to the sequence of the subgroups in the same manner among the respective group operation sections according to the predetermined order which is predetermined according to brightness of the colors are common sense, thus it would have been obvious for one skill in the art to apply colors sequentially to the sequence of the subgroups in the same manner among the respective group operation sections according to the predetermined order which is predetermined according to brightness of the colors for enabling operators peripheral visual and pattern recognition.

Re claim 12, have been analyzed and rejected with respect to claim 11 above.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

The following prior art discussed operator being divided into group and subgroup and color coded for visual perception improvement: Kuhlenschmidt {(" 5,700,097") & ("5,452,960")} and Choate ("5,626,429").


***contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP

  
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